

**FILED**

JUN 12 2019

IN THE UNITED STATE DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT  
EASTERN DIVISION

RECEIVED  
JUN 12 PM 4:34  
CLERK  
U.S. DISTRICT COURT

ADVATECH, LLC

Plaintiff

v.

ILLINOIS POWER GENERATING COMPANY

Defendant

1:19-cv-03956  
Judge John J. Tharp, Jr  
Magistrate Judge Jeffrey T. Gilbert

**REQUEST TO ACCEPT COMPLAINT UNDER  
SEAL PURSUANT TO LOCAL RULE 5.7**

Plaintiff, Advatech, LLC ("Advatech") by its attorneys, Stein Ray LLP, requests that the Clerk of this Court accept Advatech's contemporaneously-filed Complaint to Confirm Arbitration Award pursuant to Local Rule 5.7 of the U.S. District Court for the Northern District of Illinois. Local Rule 5.7 provides that "the clerk is authorized to accept a complaint for filing and treat that complaint and the accompanying papers as if they were restricted pursuant to LR26.2 where the complaint is accompanied by a written request." The four requirements of the written request under LR 5.7 are satisfied herein, for reasons that follow:

**1. Advatech's Request to File this Case Under Seal**

Complaint to Confirm Arbitration Award under seal. Advatech and Illinois Power Generating Company ("IPGC") participated in an arbitration styled American Arbitration Association ("AAA") Case Number 01-17-0001-5690 (the "Arbitration"). Advatech received a favorable award in the Arbitration and now seeks to confirm the Award.

## **2. The Special Circumstances Giving Rise to Advatech Filing this Case Under Seal**

During the Arbitration, Advatech and IPGC entered into an agreed protective order (the “Protective Order”). The Protective Order classifies “orders and awards of the tribunal” as “Protected Information”. Paragraph 9, states in pertinent part:

A Party intending to file Protected Information received in the Arbitration in a Related Court Case shall take reasonable steps to protect the confidentiality of such Protected Information in that proceeding, including without limitation by seeking court approval to file such Protected Information under seal or by filing such information in redacted form.

Pursuant to the terms of the Protective Order, Advatech now seeks leave to file this case under seal. A copy of Advatech’s document, titled “Complaint to Confirm Arbitration Award” and the Interim and Final Awards which are attached as exhibits, have been provisionally filed under seal.

## **3. Advatech’s Statement Acknowledging this Filing will Become Public Seven Days After Filing if there is no Order Extending the Sealing**

**Advatech is aware that absent an order extending or setting aside the sealing, the file and its contents will become public on the seventh (7<sup>th</sup>) day following the date of filing.**

Advatech will provide IPGC a copy of this written request and the documents filed under seal.

## **4. Relevant Administrative Information As Per Local Rule 5.7**

The caption for this case is set forth on the first page of this correspondence, the document is titled “Complaint to Confirm Arbitration Award” and it has been provisionally under seal along with three exhibits, the Interim Award, the Final Award and the arbitration provision contained in the parties’ contract. Counsel for Advatech’s email addresses are note in the signature block below.

Dated: June 12, 2019

Respectfully submitted:  
ADVATECH, LLC  
By:

*Carl L. Pappas*

---

One of its Attorneys

Steven G. M. Stein  
Carl L. Popovsky  
David Z. Smith  
STEIN RAY LLP  
222 West Adams Street, Suite 1800  
Chicago, Illinois 60606  
(312) 641-3700  
Fax: (312) 641-3701

sstein@steinraylaw.com  
cpopovsky@steinraylaw.com  
dsmith@steinraylaw.com

cc: Counsel for IPGC  
Ank Santens, [asantens@whitecase.com](mailto:asantens@whitecase.com)  
Damien Nyer, [dnyer@whitecase.com](mailto:dnyer@whitecase.com)  
Glen Kurtz, [gkurtz@whitecase.com](mailto:gkurtz@whitecase.com)